

PROB 12B  
(7/93)

**United States District Court**

**for**

**District of New Jersey**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Michael Patrick Sargese

Cr.: 06-00121-001

Name of Original Sentencing Judicial Officer: Stanley R. Chesler, U.S. District Judge

Date of Original Sentence: 01/07/08

Original Sentence: 60 months probation, \$100 special assessment. Special conditions included: 12 months community confinement; drug testing/treatment; DNA testing.

Original Offense: Conspiracy to Distribute Oxycodone

Date of Violation of Probation: 04/17/08

Sentence on Violation: Probation revoked - 4 months imprisonment, 3 years supervised release. Special conditions include drug testing/treatment, collection of DNA.

Type of Supervision: Supervised Release

Date Supervision Commenced: 09/19/08

**PETITIONING THE COURT**


- ☐ To extend the term of supervision for        Years, for a total term of        Years.  
☒ To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office.

**CAUSE**

Sargese requested that the conditions of his supervision include mental health treatment which he believes would help him address feelings of frustration and anxiety.

Respectfully submitted,



By: Denise Morales  
U.S. Probation Officer

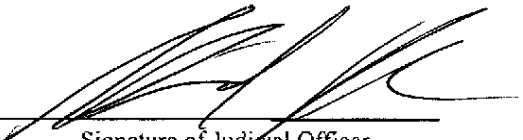
Date: 12/09/08

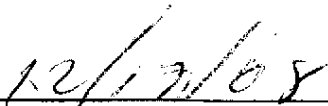
7/6

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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
- ☐ The Extension of Supervision as Noted Above
- ☐ No Action
- ☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

  
\_\_\_\_\_  
Date

UNITED STATES DISTRICT COURT  
PROBATION OFFICE  
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY  
CHIEF PROBATION OFFICER

THOMAS S. LARSON  
SUPERVISING PROBATION OFFICER

December 9, 2008

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Stanley R. Chesler, USDJ  
Martin Luther King Jr. Federal Building & Courthouse  
P.O. Box 999  
Newark, NJ 07101-0999

RE: Sargese, Michael Patrick  
Dkt. No. 06-00121-001  
Request to Modify Conditions of Supervised  
Release

Dear Judge Chesler:

On January 7, 2008, Your Honor sentenced Michael Patrick Sargese to five years probation (with the benefit of a 5K1.1 motion) and a \$100 special assessment for the offense of Conspiracy to Distribute Oxycodone. Special conditions included twelve months community confinement, drug testing/treatment and the collection of DNA.

Shortly after the commencement of supervision, Sargese violated the conditions of his supervision by testing positive for oxycodone (February 19, 2008) and oxymorphone (March 20, 2008). At a violation hearing held on April 17, 2008, Sargese pled guilty to drug use and failing to complete community confinement. He was sentenced to four months imprisonment and three years supervised release; special conditions include drug testing/treatment and the collection of DNA (completed 06/04/08). Sargese has been supervised since his release from custody on September 19, 2008.

During a recent office visit, Sargese stated that he feels frustrated and anxious and requested that the conditions of his supervised release be amended to include mental health treatment. He blamed part of his frustration on being unable to secure steady employment. Sargese denied feeling depressed and/or suicidal.

PROB 49  
(3/89)

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office.

Witness:

DMorales

U.S. Probation Officer  
Denise Morales

Signed:

Michael Sargese

Probationer or Supervised Releasee  
Michael Sargese

702

12/18/08  
DATE

Stanley R. Chesler, USDJ

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December 9, 2008

Unless Your Honor considers otherwise, we ask that you authorize the modification where indicated on the attached Probation Form 12B, *Request for Modifying the Conditions or Term of Supervision with Consent of the Offender*. Also attached is the Probation Form 49, *Waiver of Hearing to Modify Conditions of Supervised Release*. As always, we make ourselves available to discuss this matter. The undersigned can be contacted at (973) 357-4090.

Very truly yours,

CHRISTOPHER MALONEY, Chief  
U.S. Probation Officer



By: Denise Morales  
U.S. Probation Officer

/dm

